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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,346	03/18/2002	Jeremy M Bowskill	36-1539	9243
23117	7590	07/25/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			BONSHOCK, DENNIS G	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/088,346

Applicant(s)

BOWSKILL ET AL.

Examiner

Dennis G. Bonshock

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Final Rejection***

***Response to Amendment***

1. It is hereby acknowledged that the following papers have been received and placed on record in the file: Amendment as received on 5-03-2005.

2. Claims 1-16 have been examined.

Status of Claims:

3. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kemink et al., Patent 6,563,430, hereinafter Kemink.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 6 recites the limitation "the physical content detector" in line 3. There is insufficient antecedent basis for this limitation in the claim. It is believed the applicant meant to state 'the physical context detector'.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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7. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kemink et al., Patent 6,563,430, hereinafter Kemink.

8. With regard to claim 1, which teaches a mobile interface device for accessing a computer, said mobile interface device comprising: a mobile user interface having a visual display and an audio output, Kemink teaches, in column 1, lines 5-7 and lines 34-45, column 7, lines 18-20, and in column 9, lines 49-61, a mobile interface device having a display and audio output. With regard to claim 1, further teaching a physical context detector for detecting attributes indicative of the environment and physical context of the mobile interface device as it is being used by a mobile user, Kemink further teaches, in column 3, lines 15-38, a location sensor that detects location and the corresponding environment (items such as the lights available in the area). With regard to claim 1, further teaching the user interface being responsive to an output of the physical context detector in respect of the mobile user to make a corresponding adjustment to output by the visual display and/or the audio output, Kemink further teaches, in column 3, lines 38-52 and in column 9, lines 49-61, the user being provided with a graphical display and audio information, based on location sensor data, that depicts corresponding available options for the users location.

9. With regard to claims 2 and 10, which teach the mobile user interface being responsive to an output of the physical context detector indicating that the user is not substantially stationary, to inhibit output by the visual display, Kemink further teaches, in column 10, line 4-23, detecting that a user is moving in a car, therefor providing voice output while inhibiting output to the display.

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10. With regard to claims 3 and 11, which teach the mobile user interface being responsive to output by the physical context detector indicative of ambient noise in the vicinity of the user to make a compensatory adjustment to the audio output, Kemink teaches, in column 9, lines 49-61, a adjustment to the audio/video clip provided to the user based on a voice command.

11. With regard to claims 4 and 12, which teach the physical context detector further comprising means for detecting geographic location attributes of the user, Kemink teaches, in column 2, lines 12-26, using sensors and GPS to determine a geographical position of the device.

12. With regard to claims 5 and 13, which teach the physical context detector being arranged to detect when the user is located in a building, Kemink teaches, in column 2, lines 12-26 and in column 1, lines 45-56, using sensors and GPS to determine a geographical position of the device, where the location determining device can detect if a user is in a building (office, home, etc).

13. With regard to claims 6 and 14, which teach a mobile device including a store for storing predetermined information corresponding to one or more location attributes detectable by the physical context detector and wherein the mobile user interface is arranged to adjust the visual display and/or the audio output in dependence upon an output by the physical context detector relating to location of the mobile user and to corresponding information stored in the store, Kemink teaches, in column 3, line 60 through column 4, line 9, column 9, lines 49-61, an in column 10, lines 28-53,

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information sources either local or remote to the device that adjust the visual display and/or audio output based on location information.

14. With regard to claims 7 and 15, which teach the predetermined information identifying a corresponding location type and wherein the user interface is responsive to an identified location type to output a corresponding alert at the audio output, Kemink teaches, in column 9, line 49 through column 10, line 22, the portable device providing audio output based on the location type (kitchen setting/care setting).

15. With regard to claims 8 and 16, which teach the system being implemented with a mobile teleconferencing apparatus comprising a mobile interface device, Kemink teaches, in column 10, lines 36-40, the devices ability to engage in teleconferencing to, in the example, secure a reservation.

16. With regard to claim 9, which teaches a method for controlling a mobile interface used to accessing a computer, said method comprising: providing a mobile user interface having a visual display and an audio output, Kemink teaches, in column 1, lines 5-7 and lines 34-45, column 7, lines 18-20, and in column 9, lines 49-61, a mobile interface device having a display and audio output. With regard to claim 9, further detecting attributes indicative of the environment and physical context of the mobile interface device as it is being used by a mobile user, Kemink further teaches, in column 3, lines 15-38, a location sensor that detects location and the corresponding environment (items such as the lights available in the area). With regard to claim 9, further teaching causing the user interface to respond to the detecting step in respect of the mobile user to make a corresponding adjustment to output by the visual display

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and/or the audio output, Kemink further teaches, in column 3, lines 38-52 and in column 9, lines 49-61, the user being provided with a graphical display and audio information, based on location sensor data, that depicts corresponding available options for the users location.

### ***Response to Arguments***

17. The arguments filed on 5-03-2005 have been fully considered but they are not persuasive. Reasons set forth below.

18. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

20. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

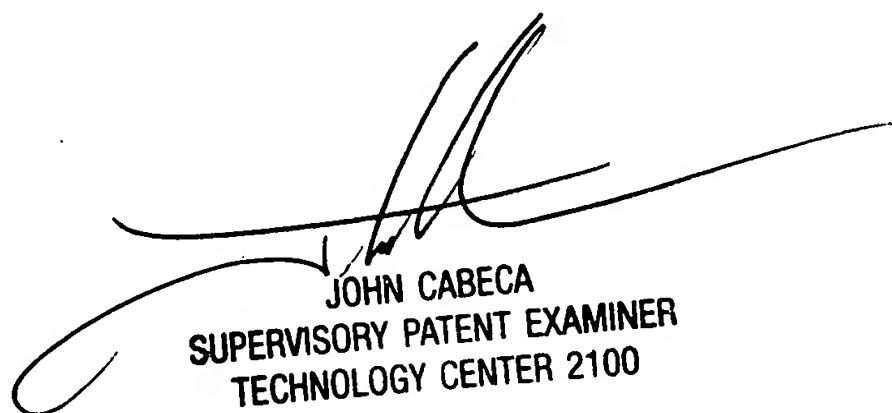
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21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7-13-05  
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